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Our Ref.: 4377-38  
Your Ref.: 09/544,984 Date: September 10, 2004

To: Commissioner for Patents c/o Examiner Shengjun WANG  
Firm: United States Patent & Trademark Office  
Facsimile No.: 703-872-9307  
From: Willem F. Gadiano

Number of Pages (including cover sheet): 5  
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**ATTACHMENT/S:**

1. **Terminal Disclaimer Transmittal (in duplicate);**
2. **Terminal Disclaimer (2 pages).**

**MESSAGE: PLEASE SEE ATTACHED**

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Date:

By:

September 10, 2004  
Willem F. Gadiano, Reg. No. 37,136**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

J. Peter KLEIN et al.

Serial No. 09/544,984

Filed: April 7, 2000

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SEP 10 2004

Atty. Ref.: 4377-38

TC/A.U.: 1617

Examiner: WANG, Shengjun

For: THERAPEUTIC COMPOUNDS FOR INHIBITING INTERLEUKIN-12  
SIGNALS AND METHOD FOR USING SAME

\* \* \* \* \*

September 10, 2004

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

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Submitted herewith is a Terminal Disclaimer for the above-captioned patent application. Please charge the small entity fee required under 37 C.F.R. § 1.321(b) and § 1.20(d) in the amount of \$ 55.00 to Deposit Account No. 14-1140.

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NIXON &amp; VANDERHYE P.C

By:

Willem F. Gadiano

Reg. No. 37,136

Date:

September 10, 2004

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Date:

By:

William F. Gadiano, Reg. No. 37,136

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

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September 10, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER**

Your petitioner, Cell Therapeutics, Inc., a corporation having an office and place of business at 501 Elliott Ave West, Suite 400, Seattle, Washington 98119 represents that it is the assignee as recorded in an assignment at Reel 011283/Frame 0329, of all right, title and interest in and to the above-captioned patent application.

Your petitioner hereby disclaims the terminal part of any patent granted on the above-captioned patent application, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any of U.S. Patent Nos. 6,774,130, 6,103,730 and 5,807,861 and hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for and during such period that the legal title to such patent granted on the above-captioned application shall be the same as the legal title to any of U.S. Patent Nos. 6,774,130, 6,103,730 and 5,807,861, this agreement to run with any patent granted on the above-captioned application and to be binding upon the grantee, its successors or assigns.

J. Peter KLEIN et al.  
Serial No. 09/544,984

Atty. Docket No. 4380-102

Petitioner does not disclaim any terminal part of any patent granted on the above-captioned application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any of U.S. Patent Nos. 6,774,130, 6,103,730 and 5,807,861 in the event that any of said patents later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The evidentiary documents that may accompany this document and referred to above have been reviewed and it is certified that to the best of the assignee's knowledge and belief, title is in the assignee seeking to take action.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NIXON & VANDERHYE P.C

By: 

Willem F. Gadiano

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